

TITLE: ANNUAL REVIEW OF REGULATION OF INVESTIGATORY POWERS ACT 2000 (“RIPA”) POLICIES

Committee: Finance & Assets Committee

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1.0 ISSUE

1.1. To update Members on the annual review of the RIPA Policies and provide Members with a report on the use of RIPA powers by the Council.

2.0 RECOMMENDATION(S)

2.1. Members are requested to:

- i) Approve the amendments to the Policies; and
- ii) Note the update on the use of RIPA powers at paragraphs 3.5 and the Council’s progress regarding training requirements and ongoing compliance.

3.0 BACKGROUND/OPTIONS

3.1. Members approved a new Regulation of Investigatory Powers Act 2000 (“RIPA”) Policy & Guidance and a new Covert Human Intelligence Sources (“CHIS”) Policy & Guidance at the Finance & Assets Committee on 30th March 2023. Members resolved that the Policies should be adopted as drafted and reviewed on a 3 yearly basis.

3.2. However, guidance received from the Investigatory Powers Commissioner’s Office (“IPCO”) sets out that Members should review the Council’s use of the legislation and set the Policy at least once a year. The policies have been reviewed and a new paragraph 26 added into the CHIS Policy and paragraph 22 in the RIPA Policy to include a recommendation regarding staff training.

3.3. Governance arrangements: A review of governance arrangements was conducted by the Chief Executive and Director Legal. The Director Legal & Monitoring Officer has been designated as the Senior Responsible Officer for RIPA purposes and the Information Officer has been designed as the RIPA Coordinating Officer. As the Information Officer already manages Freedom of Information and Data Protection matters for the Council, the addition of being the Council’s RIPA Coordinating Officer was more appropriate, given that all regimes are responsible for the protection of data.

- 3.4. Training: Training for operational staff took place on 27th September 2023 and training for authorising officers took place on 28th September 2023. Corporate Management Team training took place on 10th October 2023. All training was provided by an external trainer.
- 3.5. Directed Surveillance/CHIS applications and compliance: The Legal Section retains a confidential Central Register for applications and the RIPA Coordinating Officer is responsible for the administration of the Central Register. The Central Register records that there have been no applications for Directed Surveillance or CHIS authorisations since the RIPA Policies were reviewed in 2023. The Council is required to provide statistics for these each year to the IPCO and has reported a “nil” return since 2015.
- 3.6. IPCO Inspection: This took place on 1st December 2023 and was attended by the Chair of Finance & Assets Committee, the Chief Executive and Director Legal & Monitoring Officer. A representative from the IPCO attended at the Council offices and the inspection took place by way of a meeting to discuss what training had been carried out, what processes had been implemented, the methods and systems for record keeping and the security of data.
- 3.7. A letter was received from IPCO on 15th December 2023 to confirm that IPCO was satisfied that the Council was compliant and that the Council’s ongoing compliance with RIPA 2100 and the Investigatory Powers Act 2016 shall be maintained. As such, the Council will not require further inspection until the end of 2026.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. The argument in favour of adopting the amendment to the policies is that the policies have now been updated to make clear the requirement for staff training.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no additional financial implications arising from this report.
- 5.2. Equality Impact Assessment (EIA) not required.
- 5.3. Carbon Impact Assessment (CIA) not required.

6.0 APPENDICES

Appendix 1 – Operational Policy and Guidance on the Use of Directed Surveillance under the Regulation of Investigatory Powers Act 2000; and
Appendix 2 – Operational Policy and Guidance on the Use and Conduct of Covert Human Intelligence Sources and Authorisation under the Regulation of Investigatory Powers Act 2000.

Background Documents:

Report to Finance & Assets Committee – 30th March 2023 – Regulation of Investigatory Powers Act 200 (“RIPA”) Policy & Guidance and Covert Human Intelligence Sources (“CHIS”) Policy & Guidance